

REMARKS

Claims 3-13 are currently pending, wherein claims 3-10 have been amended to correct typographical and/or translation errors, claims 1 and 2 have been canceled, and new claims 11-13 have been added. Applicants respectfully request favorable reconsideration in view of the remarks presented herein below.

In paragraph 1 of the Office Action ("Action"), the Examiner objects to claim 4 because of a typographical error. Applicants hereby amend claim 4 to correct the typographical error, thereby addressing the Examiner's concerns.

In paragraph 3 of the Action, the Examiner rejects claims 1-10 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,596,581 to Saeijs et al. ("Saeijs"). Claims 1 and 2 have been canceled, rendering this rejection moot with regard thereto. Regarding claims 3-10, Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. §102, the cited reference must teach each and every claimed element. In the present case, claims 3-10 are not anticipated by Saeijs because Saeijs fails to disclose each and every claimed element as discussed below.

Independent claim 3 defines a program/reproducing apparatus, to which streaming signals including a plurality of program signals that are time-division-multiplexed based on an MPEG2-TS are inputted, for demultiplexing predetermined coded program signals out of the streaming signals and recording these program signals. The apparatus includes, *inter alia*, an extracting unit that extracts program packets of the predetermined coded program signals from the streaming signals, a recording unit that records the respective program packets and a discarded packet count of the packets discarded between two consecutive program packets, a

reading unit that reads the coded program signals out of said recording unit, and a speed converting unit that outputs the coded program signals read out by said reading unit after inserting null packets corresponding to the discarded packet count in between the two consecutive program packets.

Saeijs discloses a method of transmitting timing critical data, for example an MPEG transport stream, via an asynchronous channel without changing any datum to be transmitted. The method involves tagging each transmission unit of the data stream, before inputting to the channel, with timing information, and using the timing information at the output end of the channel to recreate the proper data timing. According to the method of Saeijs, prior to recording a sequence number is added to each transport packet in the received data stream. Then, for the packets selected to be recorded, the corresponding sequence number is stored in the third block section of the signal blocks in which the selected transport packets are stored. Upon reproduction, a sequence of numbers is retrieved, where subsequent numbers will not necessarily be sequential, i.e., not be the next higher number. In that situation one or more dummy packets must be inserted so as to regenerate the replica of the original MPEG data stream. However, nowhere in Saeijs is there any disclosure of recording a discarded packet count as claimed.

In rejecting claim 3, the Examiner asserts that Saeijs discloses a program recording/reproducing apparatus as claimed in as much as Saeijs discloses an apparatus for recording/reproducing selected packets from an MPEG data stream. To support this assertion the Examiner points to column 4, lines 25-26 of Saeijs. This assertion is unfounded for the following reason.

Although Saeijs discloses a method and apparatus for recording/reproducing selected packets from an MPEG data stream, nowhere in Saeijs is there any disclosure of recording selected program packets extracted from a data stream and a *discarded packet count* corresponding to the number of packets discarded between two consecutively recorded program packets as claimed. Accordingly, independent claim 3 is not anticipated by Saeijs because Saeijs fails to disclose each and every claimed element.

Claims 4-10 variously depend from independent claim 3. Therefore claims 4-10 are not only patentable over Saeijs for those reasons presented above with respect to claim 3, but also because Saeijs fails to disclose additional elements cited in these dependent claims.

For example, dependent claim 6 defines a program recording/reproducing apparatus as defined in claim 3 wherein the recording unit records one control packet structured in the same format as the program packet as a substitute for a discarded packet. In rejecting claim 6 the Examiner asserts that Saeijs discloses recording a control packet as claimed in as much as Saeijs discloses recording sequence number information corresponding to a transport packet in a third block section contained within a second block section of the recorded signal block. To support this assertion the Examiner point to column 4, lines 1-14 of Saeijs. This assertion is unfounded for the following reason.

Although Saeijs discloses storing sequence number information in a third block of the recorded signal block, the third block of Saeijs is not structured in the same format as the program packet, nor is it substituted for a discarded packet as claimed. To the contrary, as discussed at column 9, lines 10-25 and Fig. 4 of Saeijs, each of the third block sections have a length of 2 bits while the transport packets take significantly more than 2 bits to store.

Accordingly, the sequence number information of Saeijs is not stored in a packet structured in the same format as the program packet as a substitute for a discarded packet as claimed.

In addition, dependent claim 7 defines a program recording/reproducing apparatus as defined in claim 3 wherein the recording unit records the discarded packet count of the packets discarded between two consecutive recorded program packets at every interval there between. Claim 8 defines that the recording unit records a stream management packet as a first recording packet of the predetermined coded program signal, and claim 9 defines that the recording unit records a program packet containing time management information after the stream management packet, and subsequently records an intra frame coded program packet. In rejecting each of the claims, the Examiner again asserts that Saeijs discloses an apparatus as claimed in as much as Saeijs discloses storing sequence number information in a third block section, contained in a second block section of the recorded signal block. However, nowhere in Saeijs is that any disclosure or suggestion of storing the sequence information in respective intervals between recorded transport packets as recited in claim 7, of recording a stream management packet as a first recording packet as recited in claim 8, or of recording a program packet containing time management information after the stream management packet as recited in claim 9. Therefore, these claims are not anticipated by Saeijs because Saeijs fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3-10 under 35 U.S.C. §102(b).

New claims 11-13 are patentable over the cited art because the cite art fails to disclose or suggest recording a discarded packet count as claimed. See discussion above with respect to claim 3.

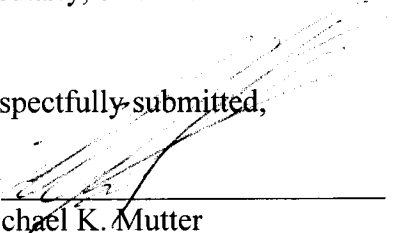
The application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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